

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE EX PARTE APPLICATION OF  
SPS I FUNDO DE INVESTIMENTO DE  
AÇÕES – INVESTIMENTO NO EXTERIOR

Case No. 22-MC-00118-LAK

**NOTICE OF APPEAL**

Pursuant to 28 U.S.C. § 1291, Intervenor Joesley Batista, Wesley Batista, JBS S.A. and J&F Investimentos S.A. hereby appeal to the United States Court of Appeals for the Second Circuit from the following orders: (1) the March 4, 2024 order (Dkt. No. 75) granting Petitioner's amended application for an order pursuant to 28 U.S.C. § 1782; and (2) and all prior order entered in this case, including the April 26, 2022 Order (Dkt. No. 8) granting Petitioner's *ex parte* application under 28 U.S.C § 1782, and the December 9, 2022 Order (Dkt. No. 34) denying Intervenor's motion to vacate the April 26, 2022 Order and to quash the subpoenas issued pursuant to that order.

DATED: New York, New York  
March 25, 2024

Respectfully submitted,

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APPEAL,ECF

**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:22-mc-00118-LAK**

SPS I Fundo de Investimento de Acoes-Investimento no  
Exterior

Date Filed: 04/21/2022

Assigned to: Judge Lewis A. Kaplan  
Cause: M 77 Application to have subpoena issued to person  
living in this district re: action in foreign cou

**Petitioner**

**SPS I Fundo de Investimento de  
Acoes-Investimento no Exterior**

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(See above for address)

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*ATTORNEY TO BE NOTICED***Michael Barry Carlinsky**

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*ATTORNEY TO BE NOTICED***William Balden Adams**

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*ATTORNEY TO BE NOTICED***William Balden Adams**

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*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
04/21/2022	<u>1</u>	<b>FILING ERROR – WRONG EVENT TYPE SELECTED FROM MENU – MISCELLANEOUS CASE INITIATING DOCUMENT – MOTION</b> Miscellaneous Case Cover Sheet . (Filing Fee \$ 49.00, Receipt Number ANYSDC–26042771) Document filed by SPS I Fundo de Investimento de Acoes–Investimento no Exterior.(Hollembeak, Jeremiah) Modified on 4/22/2022 (aea). (Entered: 04/21/2022)
04/21/2022	<u>2</u>	<b>FILING ERROR – WRONG EVENT TYPE SELECTED FROM MENU – MOTION</b> Ex Parte Application re: <u>1</u> MISCELLANEOUS CASE INITIATING DOCUMENT – MOTION Miscellaneous Case Cover Sheet . (Filing Fee \$ 49.00, Receipt Number ANYSDC–26042771) . Document filed by SPS I Fundo de Investimento de Acoes–Investimento no Exterior..(Hollembeak, Jeremiah) Modified on 4/22/2022 (aea). (Entered: 04/21/2022)

04/21/2022	<u>3</u>	PROPOSED ORDER. Document filed by SPS I Fundo de Investimento de Acoes-Investimento no Exterior. Related Document Number: [1-2]..(Hollembeak, Jeremiah) <b>Proposed Order to be reviewed by Clerk's Office staff.</b> (Entered: 04/21/2022)
04/21/2022	<u>4</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by SPS I Fundo de Investimento de Acoes-Investimento no Exterior..(Hollembeak, Jeremiah) (Entered: 04/21/2022)
04/22/2022		Case Designated ECF. (aea) (Entered: 04/22/2022)
04/22/2022		<b>***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Jeremiah Charles Hollembeak. The party information for the following party/parties has been modified: Petitioner: SPS I Fundo de Investimento de Acoes-Investimento no Exterior. The information for the party/parties has been modified for the following reason/reasons: party role was entered incorrectly. (aea)</b> (Entered: 04/22/2022)
04/22/2022		<b>***NOTICE TO ATTORNEY REGARDING DEFICIENT MISCELLANEOUS PLEADING. Notice to Attorney Jeremiah Charles Hollembeak to RE-FILE Document No. <u>2</u> MOTION Ex Parte Application re: <u>1</u> MISCELLANEOUS CASE INITIATING DOCUMENT – MOTION Miscellaneous Case Cover Sheet . (Filing Fee \$ 49.00, Receipt Number ANYSDC-26042771) .. The filing is deficient for the following reason(s): the wrong event type was used to file the pleading. Re-file the pleading using the event type Petition for Administrative Subpoena found under the event list Miscellaneous Case Initiating Documents – attach the correct signed PDF – select the individually named filer/filers. If the deficiency/deficiencies are not corrected within five (5) days per Standing Order 17-mc-00201 this case will be administratively closed. Initial Pleading due by 4/27/2022. (aea)</b> (Entered: 04/22/2022)
04/22/2022		<b>***NOTICE TO ATTORNEY REGARDING DEFICIENT MISCELLANEOUS COVER SHEET. Notice to attorney Jeremiah Charles Hollembeak to RE-FILE Document No. <u>1</u> MISCELLANEOUS CASE INITIATING DOCUMENT – MOTION Miscellaneous Case Cover Sheet . (Filing Fee \$ 49.00, Receipt Number ANYSDC-26042771). The filing is deficient for the following reason(s): the wrong event type was used to file the miscellaneous cover sheet; Re-file the document using the event type Miscellaneous Cover Sheet found under the event list Other Documents and attach the correct PDF. (aea)</b> (Entered: 04/22/2022)
04/22/2022	<u>5</u>	MISCELLANEOUS COVER SHEET filed..(Hollembeak, Jeremiah) (Entered: 04/22/2022)
04/22/2022	<u>6</u>	MISCELLANEOUS CASE INITIATING DOCUMENT – PETITION TO ENFORCE ADMINISTRATIVE SUBPOENA against SPS I Fundo de Investimento de Acoes-Investimento no Exterior.Document filed by SPS I Fundo de Investimento de Acoes-Investimento no Exterior.(Hollembeak, Jeremiah) (Entered: 04/22/2022)
04/22/2022	<u>7</u>	PROPOSED ORDER. Document filed by SPS I Fundo de Investimento de Acoes-Investimento no Exterior. Related Document Number: <u>6</u> ..(Hollembeak, Jeremiah) <b>Proposed Order to be reviewed by Clerk's Office staff.</b> (Entered: 04/22/2022)
04/22/2022		MISCELLANEOUS CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Ronnie Abrams. Please download and review the Individual Practices of the assigned District Judge, located at <a href="https://nysd.uscourts.gov/judges/district-judges">https://nysd.uscourts.gov/judges/district-judges</a> . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at <a href="http://https://nysd.uscourts.gov/rules/ecf-related-instructions">http://https://nysd.uscourts.gov/rules/ecf-related-instructions</a> . (aea) (Entered: 04/22/2022)
04/25/2022		<b>***NOTICE TO COURT REGARDING PROPOSED ORDER. Document No. <u>7</u> Proposed Order was reviewed and approved as to form. (km)</b> (Entered: 04/25/2022)
04/25/2022		<b>***NOTICE TO COURT REGARDING PROPOSED ORDER. Document No. <u>3</u> Proposed Order was reviewed and approved as to form. (km)</b> (Entered: 04/25/2022)

		04/25/2022)
04/25/2022		NOTICE OF CASE REASSIGNMENT to Judge Lewis A. Kaplan. Judge Ronnie Abrams is no longer assigned to the case. (aea) (Entered: 04/25/2022)
04/26/2022	<u>8</u>	ORDER: It is therefore: ORDERED that the Application is granted; and it is further ORDERED that Petitioner is authorized to conduct discovery in this District relating to the issued identified in the Application and supporting papers for use in the Brazilian Proceedings in accordance with the Federal Rules of Civil Procedure and the Local Civil Rules of this Court, by having the Clerk issue to Respondents subpoenas for the production of documents in the forms annexed hereto as Exhibits 1–2, respectively; and it is further ORDERED that counsel for Petitioner are hereby appointed to serve subpoenas upon Respondents and take testimony in this matter before any certified court reporter authorized to take testimony and administer oaths, and such court reporters are hereby authorized to take testimony in this matter; and it is further ORDERED that Petitioners' counsel shall serve a copy of this Order and all papers upon which it was based together with said subpoenas; and it is further ORDERED that Respondents are directed to comply with the subpoenas in accordance with the Federal Rules of Civil Procedure and Local Civil Rules of this District and Rules of this Court, as applicable; provided, however, that this Order is without prejudice to the rights of Respondent to file a motion to vacate, modify, or quash; and it is further ORDERED that Petitioner is authorized in its discretion to use or not use any discovery obtained by this Order in aid of the Brazilian Proceedings without further leave of this Court; and it is further ORDERED that this Court has and shall retain jurisdiction over this matter. SO ORDERED. (Signed by Judge Lewis A. Kaplan on 4/26/2022) (vfr) (Entered: 04/26/2022)
05/03/2022	<u>9</u>	LETTER MOTION for Discovery <i>re: request to intervene</i> addressed to Judge Lewis A. Kaplan from Michael Carlinsky dated May 3, 2022. Document filed by Joesley Batista, Wesley Batista, JBS S.A., J&F Investimentos S.A...(Carlinsky, Michael) (Entered: 05/03/2022)
05/04/2022	<u>10</u>	NOTICE OF APPEARANCE by Michael Barry Carlinsky on behalf of Joesley Batista, Wesley Batista, J&F Investimentos S.A., JBS S.A...(Carlinsky, Michael) (Entered: 05/04/2022)
05/04/2022	<u>11</u>	NOTICE OF APPEARANCE by Lucas Bento on behalf of Joesley Batista, Wesley Batista, J&F Investimentos S.A., JBS S.A...(Bento, Lucas) (Entered: 05/04/2022)
05/05/2022	<u>12</u>	LETTER RESPONSE in Opposition to Motion addressed to Judge Lewis A. Kaplan from Jeremiah C. Hollembeak dated May 5, 2022 re: <u>9</u> LETTER MOTION for Discovery <i>re: request to intervene</i> addressed to Judge Lewis A. Kaplan from Michael Carlinsky dated May 3, 2022. . Document filed by SPS I Fundo de Investimento de Acoes–Investimento no Exterior..(Hollembeak, Jeremiah) (Entered: 05/05/2022)
05/09/2022	<u>13</u>	MOTION for Gavin S. Frisch to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC–26121165. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Joesley Batista, Wesley Batista, J&F Investimentos S.A., JBS S.A...(Frisch, Gavin) (Entered: 05/09/2022)
05/10/2022		<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>13</u> MOTION for Gavin S. Frisch to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC–26121165. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (aea)</b> (Entered: 05/10/2022)
05/11/2022	<u>14</u>	MEMO ENDORSED ORDER granting <u>13</u> Motion for Gavin S. Frisch to Appear Pro Hac Vice. ENDORSEMENT: Granted. SO ORDERED. (Signed by Judge Lewis A. Kaplan on 5/11/2022) (mml) (Entered: 05/11/2022)
05/13/2022	<u>15</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY – (SEE DOCUMENT#24)</b> AFFIDAVIT OF SERVICE of Subpoena to Produce Documents, Information, or Objects or to permit inspection of premises in a civil action served on Barclays USA Inc on 05/12/2022. Service was accepted by Zack "Doe". Document filed by SPS I Fundo de Investimento de Acoes–Investimento no Exterior..(Hollembeak, Jeremiah) Modified on 6/21/2022 (lb). (Entered: 05/13/2022)



05/13/2022	<u>16</u>	AFFIDAVIT OF SERVICE of Subpoena to Produce Documents, Information, or Objects or to permit inspection of premises in a civil action served on JP Morgan Chase & Co on 05/12/2022. Service was accepted by Paula Castro. Document filed by SPS I Fundo de Investimento de Acoes-Investimento no Exterior..(Hollembeak, Jeremiah) (Entered: 05/13/2022)
05/20/2022	<u>17</u>	ORDER granting <u>9</u> Letter Motion for Discovery. In view of Application of Sarria, SA., 119 F.3d 143, 148 (2d Cir. 1997), and In re Letter Rogatory from Just. Ct., Dist. of Montreal, 523 F.2d 562, 563-64 (6th Cir. 1975), Movants' application for permission to intervene for the stated purpose (Dkt 9) is granted. SO ORDERED. (Signed by Judge Lewis A. Kaplan on 5/19/22) (yv) (Entered: 05/20/2022)
05/24/2022	<u>18</u>	PROPOSED STIPULATION AND ORDER. Document filed by Joesley Batista, Wesley Batista, J&F Investimentos S.A., JBS S.A...(Carlinsky, Michael) (Entered: 05/24/2022)
06/01/2022	<u>19</u>	STIPULATION TO SET A BRIEFING SCHEDULE, IT IS HEREBY STIPULATED AND AGREED that the briefing schedule for the Motion will be set as follows: 1. Intervenor's deadline to file the Motion is June 3, 2022. 2.SPS's deadline to file an opposition to the Motion is June 20, 2022. 3.Intervenor's deadline to file a reply in support of Intervenor's Motion is 10 days from the date SPS files its opposition to the Motion. SO ORDERED. ( Motions due by 6/3/2022., Responses due by 6/20/2022) (Signed by Judge Lewis A. Kaplan on 5/31/22) (yv) (Entered: 06/01/2022)
06/03/2022	<u>20</u>	<b>Vacated as per Judge's Order dated 12/09/2022, Doc. # 34</b> MOTION to Vacate <i>the Court's Ex Parte Order and to Quash Subpoenas for the Production of Documents for Use in a Foreign Proceeding</i> . Document filed by Joesley Batista, Wesley Batista, J&F Investimentos S.A., JBS S.A...(Carlinsky, Michael) Modified on 1/20/2023 (yv). (Entered: 06/03/2022)
06/03/2022	<u>21</u>	MEMORANDUM OF LAW in Support re: <u>20</u> MOTION to Vacate <i>the Court's Ex Parte Order and to Quash Subpoenas for the Production of Documents for Use in a Foreign Proceeding</i> . . Document filed by Joesley Batista, Wesley Batista, J&F Investimentos S.A., JBS S.A...(Carlinsky, Michael) (Entered: 06/03/2022)
06/03/2022	<u>22</u>	DECLARATION of Pablo Renteria in Support re: <u>20</u> MOTION to Vacate <i>the Court's Ex Parte Order and to Quash Subpoenas for the Production of Documents for Use in a Foreign Proceeding</i> .. Document filed by Joesley Batista, Wesley Batista, J&F Investimentos S.A., JBS S.A.. (Attachments: # <u>1</u> Exhibit 1 to Renteria's Declaration).(Carlinsky, Michael) (Entered: 06/03/2022)
06/03/2022	<u>23</u>	DECLARATION of Lucas V.M. Bento in Support re: <u>20</u> MOTION to Vacate <i>the Court's Ex Parte Order and to Quash Subpoenas for the Production of Documents for Use in a Foreign Proceeding</i> .. Document filed by Joesley Batista, Wesley Batista, J&F Investimentos S.A., JBS S.A.. (Attachments: # <u>1</u> Exhibit 1 to Bento's Declaration, # <u>2</u> Exhibit 2 to Bento's Declaration, # <u>3</u> Exhibit 3 to Bento's Declaration, # <u>4</u> Exhibit 4 to Bento's Declaration, # <u>5</u> Exhibit 5 to Bento's Declaration, # <u>6</u> Exhibit 6 to Bento's Declaration, # <u>7</u> Exhibit 7 to Bento's Declaration).(Bento, Lucas) (Entered: 06/03/2022)
06/17/2022	<u>24</u>	AFFIDAVIT OF SERVICE of Subpoena to Produce Documents served on Barclays USA Inc. on 05/04/2022. Service was accepted by Zack "Doe". Document filed by SPS I Fundo de Investimento de Acoes-Investimento no Exterior..(Hollembeak, Jeremiah) (Entered: 06/17/2022)
06/20/2022	<u>25</u>	MEMORANDUM OF LAW in Opposition re: <u>20</u> MOTION to Vacate <i>the Court's Ex Parte Order and to Quash Subpoenas for the Production of Documents for Use in a Foreign Proceeding</i> . . Document filed by SPS I Fundo de Investimento de Acoes-Investimento no Exterior..(Hollembeak, Jeremiah) (Entered: 06/20/2022)
06/20/2022	<u>26</u>	DECLARATION of Gustavo Machado Gonzalez in Opposition re: <u>20</u> MOTION to Vacate <i>the Court's Ex Parte Order and to Quash Subpoenas for the Production of Documents for Use in a Foreign Proceeding</i> .. Document filed by SPS I Fundo de Investimento de Acoes-Investimento no Exterior. (Attachments: # <u>1</u> Exhibit Exhibit I – Supplemental Gonzalez Declaration, # <u>2</u> Exhibit Exhibit II – Supplemental Gonzalez Declaration, # <u>3</u> Exhibit Exhibit III – Supplemental Gonzalez Declaration, # <u>4</u> Exhibit Exhibit IV – Supplemental Gonzalez Declaration).(Hollembeak, Jeremiah) (Entered: 06/20/2022)

06/20/2022	<u>27</u>	DECLARATION of Fabiano Robalinho Cavalcanti in Opposition re: <u>20</u> MOTION to Vacate <i>the Court's Ex Parte Order and to Quash Subpoenas for the Production of Documents for Use in a Foreign Proceeding.</i> . Document filed by SPS I Fundo de Investimento de Acoes–Investimento no Exterior..(Hollembeak, Jeremiah) (Entered: 06/20/2022)
06/20/2022	<u>28</u>	DECLARATION of Jeremy C. Hollembeak in Opposition re: <u>20</u> MOTION to Vacate <i>the Court's Ex Parte Order and to Quash Subpoenas for the Production of Documents for Use in a Foreign Proceeding.</i> . Document filed by SPS I Fundo de Investimento de Acoes–Investimento no Exterior. (Attachments: # <u>1</u> Exhibit Exhibit A – Hollembeak Declaration).(Hollembeak, Jeremiah) (Entered: 06/21/2022)
06/30/2022	<u>29</u>	REPLY MEMORANDUM OF LAW in Support re: <u>20</u> MOTION to Vacate <i>the Court's Ex Parte Order and to Quash Subpoenas for the Production of Documents for Use in a Foreign Proceeding.</i> . Document filed by Joesley Batista, Wesley Batista, J&F Investimentos S.A., JBS S.A...(Carlinsky, Michael) (Entered: 06/30/2022)
06/30/2022	<u>30</u>	DECLARATION of PABLO RENTERIA in Support re: <u>20</u> MOTION to Vacate <i>the Court's Ex Parte Order and to Quash Subpoenas for the Production of Documents for Use in a Foreign Proceeding.</i> . Document filed by Joesley Batista, Wesley Batista, J&F Investimentos S.A., JBS S.A...(Carlinsky, Michael) (Entered: 06/30/2022)
06/30/2022	<u>31</u>	DECLARATION of LUCAS V.M. BENTO in Support re: <u>20</u> MOTION to Vacate <i>the Court's Ex Parte Order and to Quash Subpoenas for the Production of Documents for Use in a Foreign Proceeding.</i> . Document filed by Joesley Batista, Wesley Batista, J&F Investimentos S.A., JBS S.A.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7).(Bento, Lucas) (Entered: 06/30/2022)
11/02/2022	<u>32</u>	LETTER addressed to Judge Lewis A. Kaplan from Michael B. Carlinsky dated November 2, 2022 re: Supplemental Authority. Document filed by Joesley Batista, Wesley Batista, J&F Investimentos S.A., JBS S.A.. (Attachments: # <u>1</u> Exhibit A – Memorandum Order).(Carlinsky, Michael) (Entered: 11/02/2022)
11/04/2022	<u>33</u>	LETTER addressed to Judge Lewis A. Kaplan from Jeremiah C. Hollembeak dated November 4, 2022 re: Supplemental Authority. Document filed by SPS I Fundo de Investimento de Acoes–Investimento no Exterior..(Hollembeak, Jeremiah) (Entered: 11/04/2022)
12/09/2022	<u>34</u>	MEMORANDUM OPINION re: <u>20</u> MOTION to Vacate <i>the Court's Ex Parte Order and to Quash Subpoenas for the Production of Documents for Use in a Foreign Proceeding.</i> filed by JBS S.A., J&F Investimentos S.A., Wesley Batista, Joesley Batista. For the foregoing reasons, Intervenor's motion to vacate the April 26, 2022 Order and quash the subpoenas [Dkt 20] is GRANTED as to Respondent Barclays USA without prejudice to an amended application and DENIED as to Respondent JPM. JPM shall comply with the subpoena and produce the discovery requested to SPS. The parties shall confer with respect to whether any protective or confidentiality order is warranted and, if so, submit a proposed order to the Court. SO ORDERED. (Signed by Judge Lewis A. Kaplan on 12/9/22) (yv) (Entered: 12/09/2022)
12/21/2022	<u>35</u>	NOTICE OF APPEARANCE by William Balden Adams on behalf of Joesley Batista, Wesley Batista, J&F Investimentos S.A., JBS S.A...(Adams, William) (Entered: 12/21/2022)
12/22/2022	<u>36</u>	NOTICE OF APPEAL from <u>34</u> Memorandum & Opinion,,, 8 Order,,,,,. Document filed by Joesley Batista, Wesley Batista, J&F Investimentos S.A., JBS S.A.. Filing fee \$ 505.00, receipt number ANYSDC–27126263. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit..(Adams, William) (Entered: 12/22/2022)
12/22/2022		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>36</u> Notice of Appeal. (tp) (Entered: 12/22/2022)
12/22/2022		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>36</u> Notice of Appeal, filed by JBS S.A., J&F Investimentos S.A., Wesley Batista, Joesley Batista were transmitted to the U.S. Court of Appeals. (tp) (Entered: 12/22/2022)

12/22/2022	<u>37</u>	MOTION to Stay <i>Discovery Pending Appeal</i> . Document filed by Joesley Batista, Wesley Batista, J&F Investimentos S.A., JBS S.A...(Adams, William) (Entered: 12/22/2022)
12/22/2022	<u>38</u>	MEMORANDUM OF LAW in Support re: <u>37</u> MOTION to Stay <i>Discovery Pending Appeal</i> . . Document filed by Joesley Batista, Wesley Batista, J&F Investimentos S.A., JBS S.A...(Adams, William) (Entered: 12/22/2022)
12/22/2022	<u>39</u>	LETTER MOTION to Stay ( <i>administrative</i> ) addressed to Judge Lewis A. Kaplan from William B. Adams dated December 22, 2022. Document filed by Joesley Batista, Wesley Batista, J&F Investimentos S.A., JBS S.A...(Adams, William) (Entered: 12/22/2022)
12/23/2022	<u>40</u>	ORDER granting in part and denying in part <u>37</u> Motion to Stay re: <u>37</u> MOTION to Stay <i>Discovery Pending Appeal</i> ., <u>39</u> LETTER MOTION to Stay ( <i>administrative</i> ) addressed to Judge Lewis A. Kaplan from William B. Adams dated December 22, 2022. ; granting in part and denying in part <u>39</u> Motion to Stay re: <u>37</u> MOTION to Stay <i>Discovery Pending Appeal</i> ., <u>39</u> LETTER MOTION to Stay ( <i>administrative</i> ) addressed to Judge Lewis A. Kaplan from William B. Adams dated December 22, 2022. Intervenor seek what they characterize as an administrative stay of discovery pending resolution of their motion for a stay pending appeal and any renewed stay motion they may make in the Court of Appeals. The Court hereby directs that the applicant for discovery under 28 U.S.C. § 1782 file any opposition to the Intervenor's motion in this Court for a stay of discovery pending appeal on or before January 6, 2023 and that Intervenor file any reply papers in support of their motion on or before January 10, 2023. In view of the short interval that would elapse between now and the full briefing of Intervenor's motion for a stay pending appeal, Intervenor's motion is granted to the extent that discovery from the outstanding subpoena to J.P. Morgan Chase is stayed pending this Court's ruling on Intervenor's motion for a stay pending appeal. The motion is denied in all other respects. SO ORDERED. (Signed by Judge Lewis A. Kaplan on 12/23/22) (yv) (Entered: 12/23/2022)
01/04/2023	<u>41</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY –</b> MOTION for Gabriela Menna Barreto Scanlon to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC–27160437. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by SPS I Fundo de Investimento de Acoes–Investimento no Exterior. (Attachments: # <u>1</u> Affidavit Affidavit of Gabriela Scanlon, # <u>2</u> Exhibit Certificate of Good Standing DC, # <u>3</u> Exhibit Certificate of Good Standing NY).(Hollembeak, Jeremiah) Modified on 1/5/2023 (vba). (Entered: 01/04/2023)
01/05/2023		<b>&gt;&gt;&gt;NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE–FILE Document No. <u>41</u> MOTION for Gabriela Menna Barreto Scanlon to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC–27160437. Motion and supporting papers to be reviewed by Clerk's Office staff... The filing is deficient for the following reason(s): missing Proposed Order;. Re–file the motion as a Motion to Appear Pro Hac Vice – attach the correct signed PDF – select the correct named filer/filers – attach valid Certificates of Good Standing issued within the past 30 days – attach Proposed Order. (vba)</b> (Entered: 01/05/2023)
01/06/2023	<u>42</u>	MEMORANDUM OF LAW in Opposition re: <u>37</u> MOTION to Stay <i>Discovery Pending Appeal</i> . . Document filed by SPS I Fundo de Investimento de Acoes–Investimento no Exterior.(Hollembeak, Jeremiah) (Entered: 01/06/2023)
01/10/2023	<u>43</u>	MOTION for Gabriela M.B. Scanlon to Appear Pro Hac Vice . <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by SPS I Fundo de Investimento de Acoes–Investimento no Exterior. (Attachments: # <u>1</u> Affidavit Affidavit of G Scanlon, # <u>2</u> Exhibit Certificate of Good Standing – DC, # <u>3</u> Exhibit Certificate of Good Standing – NY, # <u>4</u> Text of Proposed Order Proposed Order).(Hollembeak, Jeremiah) (Entered: 01/10/2023)
01/10/2023	<u>44</u>	REPLY MEMORANDUM OF LAW in Support re: <u>37</u> MOTION to Stay <i>Discovery Pending Appeal</i> . . Document filed by Joesley Batista, Wesley Batista, J&F Investimentos S.A., JBS S.A...(Adams, William) (Entered: 01/10/2023)
01/11/2023		<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>43</u> MOTION for Gabriela M.B. Scanlon to Appear Pro Hac Vice . Motion</b>



		<b>and supporting papers to be reviewed by Clerk's Office staff. The document has been reviewed and there are no deficiencies. (sac)</b> (Entered: 01/11/2023)
01/17/2023	<u>45</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>43</u> Motion for Gabriela M.B. Scanlon to Appear Pro Hac Vice. (Signed by Judge Lewis A. Kaplan on 1/17/2023) (tro) (Entered: 01/17/2023)
01/24/2023	<u>46</u>	MEMORANDUM OPINION. Intervenor's motion for a stay of discovery pending appeal from the Court's December 9, 2022 Memorandum Opinion (Dkt 37) is denied. SO ORDERED. (Signed by Judge Lewis A. Kaplan on 1/24/23) (yv) (Entered: 01/24/2023)
02/13/2023	<u>47</u>	ORDER of USCA (Certified Copy) as to <u>36</u> Notice of Appeal, filed by JBS S.A., J&F Investimentos S.A., Wesley Batista, Joesley Batista. USCA Case Number 22-3200. Intervenor's-Appellants move for an emergency interim stay of the district court's order permitting discovery under 28 U.S.C. § 1782, for a stay of that order pending appeal, and for an expedited appeal. The motion is REFERRED to a three-judge motions panel. IT IS HEREBY ORDERED that the district court's order is temporarily STAYED, pending resolution of the merits of the motion by the three-judge panel. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Certified: 2/13/2023..(nd) (Entered: 02/13/2023)
04/26/2023	<u>48</u>	AMENDED MISCELLANEOUS CASE INITIATING DOCUMENT – PETITION TO ENFORCE ADMINISTRATIVE SUBPOENA against Joesley Batista, Wesley Batista.Document filed by SPS I Fundo de Investimento de Acoes–Investimento no Exterior.(Hollembeak, Jeremiah) (Entered: 04/26/2023)
04/26/2023	<u>49</u>	DECLARATION of Gustavo Machado Gonzalez in Support re: <u>48</u> Petition to Enforce Administrative Subpoena. Document filed by SPS I Fundo de Investimento de Acoes–Investimento no Exterior..(Hollembeak, Jeremiah) (Entered: 04/26/2023)
04/26/2023	<u>50</u>	DECLARATION of Jeremy C. Hollembeak in Support. Document filed by SPS I Fundo de Investimento de Acoes–Investimento no Exterior. (Attachments: # <u>1</u> Exhibit Exhibit A –FDIC.gov Barclays 165–1807, # <u>2</u> Exhibit Exhibit B – BARCU33XXX Swift Code – BARCLAYS BANK PLC – UNITED STATES, # <u>3</u> Exhibit Exhibit C – CHIPS Participant – CHIPS, # <u>4</u> Exhibit Exhibit D – FRFS Fedwire Participant Details, # <u>5</u> Exhibit Exhibit E – Who We Supervise – DFS Portal, # <u>6</u> Exhibit Exhibit F – NYDFS 12–18–18 Consent Order ea18218 barclays, # <u>7</u> Exhibit Exhibit G – Way Back Machine – April 8, 2022 Snapshot Barclays office locations, # <u>8</u> Exhibit Exhibit H – Electronic Trading Controls AVP in New York at Barclays, # <u>9</u> Exhibit Exhibit I – Excerpts of Barclays – PLC 2022 20 F, # <u>10</u> Exhibit Exhibit J – Excerpts of Barclays – PLC – Annual Report 2022, # <u>11</u> Exhibit Exhibit K – Barclays SAR from FinCEN Files).(Hollembeak, Jeremiah) (Entered: 04/26/2023)
04/26/2023	<u>51</u>	PROPOSED ORDER. Document filed by SPS I Fundo de Investimento de Acoes–Investimento no Exterior. (Attachments: # <u>1</u> Exhibit Exhibit A – Subpoena) Related Document Number: <u>48</u> ..(Hollembeak, Jeremiah) <b>Proposed Order to be reviewed by Clerk's Office staff.</b> (Entered: 04/26/2023)
04/27/2023		<b>***NOTICE TO COURT REGARDING PROPOSED ORDER. Document No. <u>51</u> Proposed Order was reviewed and approved as to form. (km)</b> (Entered: 04/27/2023)
04/28/2023	<u>52</u>	PROPOSED STIPULATION AND ORDER. Document filed by Joesley Batista, Wesley Batista, J&F Investimentos S.A., JBS S.A., SPS I Fundo de Investimento de Acoes–Investimento no Exterior..(Carlinsky, Michael) (Entered: 04/28/2023)
05/05/2023	<u>53</u>	AFFIDAVIT OF SERVICE of Subpoena to Produce Documents, Information, or Objects or to permit inspection of premises in a civil action served on Barclays Bank PLC on 05/01/2023. Service was accepted by Sarah Jones. Document filed by SPS I Fundo de Investimento de Acoes–Investimento no Exterior..(Hollembeak, Jeremiah) (Entered: 05/05/2023)
05/15/2023	<u>54</u>	MOTION for Entry of Judgment under Rule 54(b) . Document filed by Joesley Batista, Wesley Batista, J&F Investimentos S.A., JBS S.A...(Adams, William) (Entered: 05/15/2023)

05/15/2023	<u>55</u>	MEMORANDUM OF LAW in Support re: <u>54</u> MOTION for Entry of Judgment under Rule 54(b) . . Document filed by Joesley Batista, Wesley Batista, J&F Investimentos S.A., JBS S.A...(Adams, William) (Entered: 05/15/2023)
05/18/2023	<u>56</u>	MEMORANDUM OF LAW in Opposition re: <u>48</u> Petition to Enforce Administrative Subpoena . Document filed by Joesley Batista, Wesley Batista, J&F Investimentos S.A., JBS S.A...(Carlinsky, Michael) (Entered: 05/18/2023)
05/18/2023	<u>57</u>	DECLARATION of Lucas V.M. Bento's Second Supplemental Declaration in Support re: <u>56</u> Memorandum of Law in Opposition. Document filed by Joesley Batista, Wesley Batista, J&F Investimentos S.A., JBS S.A.. (Attachments: # <u>1</u> Exhibit 1– Excerpt of Barclays Bank PLC SEC Form 20–F, # <u>2</u> Exhibit 2– FinCen Files Repository Search for "Valdarco Investments, Inc.", # <u>3</u> Exhibit 3– FinCen Files Repository Search for "Unifleisch SA", # <u>4</u> Exhibit 4– FinCen Files Repository Search for "Unifleisch Limited", # <u>5</u> Exhibit 5– FinCen Files Repository Search for "Lunsville International, Inc."). (Carlinsky, Michael) (Entered: 05/18/2023)
05/18/2023	<u>58</u>	DECLARATION of Pablo Renteria in Support re: <u>56</u> Memorandum of Law in Opposition. Document filed by Joesley Batista, Wesley Batista, J&F Investimentos S.A., JBS S.A.. (Attachments: # <u>1</u> Exhibit A Brazilian Superior Court of Justice, Conflito de Competencia n. 185.702/DF, # <u>2</u> Exhibit B English Translation of Ex. A, Conflito de Competencia n. 185.702/DF, # <u>3</u> Exhibit C TJSP, Agravo de Instrumento n. 102677–93.2023.8.26.0100, # <u>4</u> Exhibit D English Translation of Ex. C, Agravo de Instrumento n. 102677–93.2023.8.26.0100, # <u>5</u> Exhibit E Resume of Pablo Renteria). (Carlinsky, Michael) (Entered: 05/18/2023)
05/18/2023	<u>59</u>	DECLARATION of David Caruso in Support re: <u>56</u> Memorandum of Law in Opposition. Document filed by Joesley Batista, Wesley Batista, J&F Investimentos S.A., JBS S.A.. (Attachments: # <u>1</u> Exhibit 1 Curriculum Vitae of David Caruso, # <u>2</u> Exhibit 2 Leaked Suspicious Activity Report, # <u>3</u> Exhibit 3 Petitioners Exhibit K). (Carlinsky, Michael) (Entered: 05/18/2023)
05/19/2023	<u>60</u>	PROPOSED STIPULATION AND ORDER. Document filed by SPS I Fundo de Investimento de Acoes–Investimento no Exterior. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order). (Hollembeak, Jeremiah) (Entered: 05/19/2023)
05/22/2023	<u>61</u>	ORDER: The Stipulation to Extend Deadline to Reply to Opposition to Amended Application, filed May 19, 2022 is hereby GRANTED.SO ORDERED. (Signed by Judge Lewis A. Kaplan on 5/22/2023) (ama) (Entered: 05/22/2023)
05/22/2023		Set/Reset Deadlines: Replies due by 6/1/2023. (ama) (Entered: 05/22/2023)
05/30/2023	<u>62</u>	MEMORANDUM OF LAW in Opposition re: <u>54</u> MOTION for Entry of Judgment under Rule 54(b) . . Document filed by SPS I Fundo de Investimento de Acoes–Investimento no Exterior.. (Hollembeak, Jeremiah) (Entered: 05/30/2023)
06/01/2023	<u>63</u>	REPLY MEMORANDUM OF LAW in Support re: <u>48</u> Petition to Enforce Administrative Subpoena . Document filed by SPS I Fundo de Investimento de Acoes–Investimento no Exterior.. (Hollembeak, Jeremiah) (Entered: 06/01/2023)
06/01/2023	<u>64</u>	DECLARATION of Jeremy C. Hollembeak in Support re: <u>48</u> Petition to Enforce Administrative Subpoena. Document filed by SPS I Fundo de Investimento de Acoes–Investimento no Exterior. (Attachments: # <u>1</u> Exhibit Exhibit L – English Translation of Poder360 Article dated 25 Sept 2020–US Treasury analyzes suspicious financial data about JBS since 2014, # <u>2</u> Exhibit Exhibit M – Appendix F to BSAAML Examination Manual and Procedures – Money Laundering and Terrorist Financing 'Red Flags', # <u>3</u> Exhibit Exhibit N – Press Release _ Former Senior Fincen Employee Pleads Guilty To Conspiring To Unlawfully Disclose Suspicious Activity Reports _ United States Department of Justice). (Hollembeak, Jeremiah) (Entered: 06/01/2023)
06/01/2023	<u>65</u>	DECLARATION of FABIANO ROBALINHO CAVALCANTI in Support re: <u>48</u> Petition to Enforce Administrative Subpoena. Document filed by SPS I Fundo de Investimento de Acoes–Investimento no Exterior.. (Hollembeak, Jeremiah) (Entered: 06/01/2023)
06/05/2023	<u>66</u>	MANDATE of USCA (Certified Copy) as to <u>36</u> Notice of Appeal, filed by JBS S.A., J&F Investimentos S.A., Wesley Batista, Joesley Batista. USCA Case Number 22–3200. The parties have submitted supplemental briefs addressing whether the

		district court's December 9, 2022 order was a final order over which this Court has jurisdiction to consider an appeal under 28 U.S.C. § 1291, insofar as the district court's order granted in part Intervenor– Appellants' motion to quash without prejudice to Petitioner–Appellee filing an amended application under 28 U.S.C. § 1782, and Petitioner–Appellee has, in fact, filed an amended application. Upon due consideration, it is hereby ORDERED that this appeal is DISMISSED for lack of appellate jurisdiction. See <i>Citizens Accord, Inc. v. Town of Rochester</i> , 235 F.3d 126, 128 (2d Cir. 2000) ("An order that adjudicates fewer than all of the claims remaining in the action, or adjudicates the rights and liabilities of fewer than all of the remaining parties... is not a final order.").. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Issued As Mandate: 06/05/2023..(nd) (Entered: 06/05/2023)
06/06/2023	<u>67</u>	REPLY MEMORANDUM OF LAW in Support re: <u>54</u> MOTION for Entry of Judgment under Rule 54(b) . . Document filed by Joesley Batista, Wesley Batista, J&F Investimentos S.A., JBS S.A...(Adams, William) (Entered: 06/06/2023)
06/28/2023	<u>68</u>	LETTER MOTION for Discovery <i>SPS's Request For Entry Of Protective Order To Govern JPM Production Without Consent Of Intervenor</i> s addressed to Judge Lewis A. Kaplan from Jeremy C. Hollembeak, Baird Holm LLP dated June 28, 2023. Document filed by SPS I Fundo de Investimento de Acoes–Investimento no Exterior. (Attachments: # <u>1</u> Exhibit A – Proposed PO, # <u>2</u> Exhibit B – Redline of Proposed PO vs. May 26 Form PO, # <u>3</u> Exhibit C – June 22 Markup).(Hollembeak, Jeremiah) (Entered: 06/28/2023)
06/30/2023	<u>69</u>	LETTER RESPONSE in Opposition to Motion addressed to Judge Lewis A. Kaplan from Lucas Bento dated June 30, 2023 re: <u>68</u> LETTER MOTION for Discovery <i>SPS's Request For Entry Of Protective Order To Govern JPM Production Without Consent Of Intervenor</i> s addressed to Judge Lewis A. Kaplan from Jeremy C. Hollembeak, Baird Holm LLP dated June 28, 2023. . Document filed by Joesley Batista, Wesley Batista, J&F Investimentos S.A., JBS S.A.. (Attachments: # <u>1</u> Exhibit A – Intervenor's Proposed Protective Order, # <u>2</u> Exhibit B – 5/26/2023 SPS and JPM Draft Protective Order).(Bento, Lucas) (Entered: 06/30/2023)
08/21/2023	<u>70</u>	ORDER granting <u>68</u> Letter Motion for Discovery. Motion granted. Applicant shall submit for a signature and entry a clean copy of the proposed protective order. SO ORDERED. (Signed by Judge Lewis A. Kaplan on 8/21/2023) (tg) (Entered: 08/21/2023)
08/21/2023	<u>71</u>	PROPOSED PROTECTIVE ORDER. Document filed by SPS I Fundo de Investimento de Acoes–Investimento no Exterior..(Hollembeak, Jeremiah) (Entered: 08/21/2023)
08/21/2023	<u>72</u>	LETTER addressed to Judge Lewis A. Kaplan from Jeremy C. Hollembeak, Baird Holm LLP dated August 21, 2023 re: Proposed Protective Order. Document filed by SPS I Fundo de Investimento de Acoes–Investimento no Exterior. (Attachments: # <u>1</u> Exhibit – Redline of Proposed Protective Order against Exhibit A to June 28, 2023 Letter (Dkt. No. 68–1)).(Hollembeak, Jeremiah) (Entered: 08/21/2023)
08/23/2023	<u>73</u>	PROTECTIVE ORDER...regarding procedures to be followed that shall govern the handling of confidential material... (Signed by Judge Lewis A. Kaplan on 8/23/2023) (ate) (Entered: 08/23/2023)
12/20/2023	74	ORDER denying <u>54</u> Motion for Entry of Judgment under Rule 54(b) (HEREBY ORDERED by Judge Lewis A. Kaplan)(Text Only Order) (Kaplan, Lewis) (Entered: 12/20/2023)
03/04/2024	<u>75</u>	MEMORANDUM OPINION. For the forgoing reasons, Petitioner's amended application is granted. Barclays NY shall comply with the subpoena and produce the discovery requested to SPS. The parties shall confer with respect to whether any protective or confidentiality order is warranted and, if so, submit a proposed order to the Court. SO ORDERED. (Signed by Judge Lewis A. Kaplan on 3/4/24) (yv) (Entered: 03/04/2024)
03/25/2024	<u>76</u>	<b>FILING ERROR – NO ORDER SELECTED FOR APPEAL – NOTICE OF APPEAL.</b> Document filed by Joesley Batista, Wesley Batista, J&F Investimentos S.A., JBS S.A.. Filing fee \$ 605.00, receipt number ANYSDC–29128264. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit..(Adams, William)

		Modified on 3/26/2024 (nd). (Entered: 03/25/2024)
03/26/2024		<b>***NOTICE TO ATTORNEY REGARDING DEFICIENT APPEAL. Notice to attorney William Adams to RE-FILE Document No. <u>76</u> Notice of Appeal,. The filing is deficient for the following reason(s): the wrong event type was used to file the appeal; the order/judgment being appealed was not selected. Re-file the appeal using the event type Notice of Interlocutory Appeal found under the event list Appeal Documents – attach the correct signed PDF – select the correct named filer/filers – select the correct order/judgment being appealed. (nd)</b> (Entered: 03/26/2024)
03/26/2024	<u>77</u>	NOTICE OF APPEAL from <u>34</u> Memorandum & Opinion,,, <u>8</u> Order,,,,, <u>75</u> Memorandum & Opinion,. Document filed by Joesley Batista, Wesley Batista, J&F Investimentos S.A., JBS S.A.. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit..(Adams, William) (Entered: 03/26/2024)
03/26/2024		Appeal Fee Paid electronically via Pay.gov: for <u>77</u> Notice of Appeal. Filing fee \$ 605.00. Pay.gov receipt number ANYSDC-29128264, paid on 3/25/2024. (tp) (Entered: 03/26/2024)
03/26/2024		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>77</u> Notice of Appeal. (tp) (Entered: 03/26/2024)
03/26/2024		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>77</u> Notice of Appeal, filed by JBS S.A., J&F Investimentos S.A., Wesley Batista, Joesley Batista were transmitted to the U.S. Court of Appeals. (tp) (Entered: 03/26/2024)